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Attorney for Debtors WHITE

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO

In re

CLAYTON DOUGLAS WHITE and
KIMBERLY KRISTINE WHITE,

Debtors.

Chapter 13
Case No. 20-10547B-13F
DC No. PBB-1

HEARING

Date: April 15, 2020

Time: 9:30 a.m.

Dept: B

Ctrm: 13 (5th Floor)

United States Bankruptcy Court

2500 Tulare Street

Fresno, California 93721-1318

HONROABLE RENÉ LASTRETO, II

MOTION FOR CONFIRMATION OF CHAPTER 13 PLAN

The Debtors, Clayton Douglas White and Kimberly Kristine White, (hereinafter referred to as "Debtors"), hereby move this Court for an Order confirming the Chapter 13 Plan.

The Debtors hereby move this Court for an Order approving the Chapter 13 Plan for the following reasons:

1. Clayton Douglas White and Kimberly Kristine White are the Debtors in the

1 case number 20-10547.

2 2. Debtors filed their Chapter 13 case on February 17, 2020 to stop a pending
3 foreclosure sale against their residence. At the time the case was filed only a skeletal of the case
4 was prepared.
5

6 3. On or about February 27, 2020 Debtors Amended Notice of Chapter 13
7 Bankruptcy Case was issued without the Debtors' Chapter 13 Plan.

8 4. On March 2, 2020 Debtors filed their Chapter 13 Plan. Debtors are now
9 asking that the Plan be confirmed.
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11 5. Debtors first Plan payment will come due March 25, 2020 in the amount of
12 \$6,000.00 per month.

13 6. Debtors have two mortgage loans. The first Deed of Trust held by Mr. Cooper
14 will be paid through the Plan in Class 1. Debtors' 2nd Deed of Trust has been listed as a direct
15 pay.
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17 7. Filed concurrently herewith as Exhibit "A" is a copy of Debtors' Chapter 13
18 Plan which sets forth the terms of their Plan and treatment of creditors. Debtors' Plan provides
19 for unsecured creditors to receive 47 percent.

20 8. In this Chapter 13 Plan the payments are as follows: \$6,000.00 per month for
21 60 months.
22

23 9. Filed concurrently herewith as Exhibit "B" are copies of Debtors' Schedule I
24 and J as filed on March 2, 2020. Debtors' Schedule J reflects that Debtors have enough
25 disposable income to make their required plan payment.

26 10. The Debtors hereby moves this court to confirm the Chapter 13 Plan, which
27
28

1 was served on Michael H. Meyer, all creditors and all interested parties and is filed concurrently
2 herewith.

3 11. The Chapter 13 Plan complies with applicable law.

4 12. Any fees or charges required by Chapter 123 of Title 28 of the U.S. Code
5 have been paid.
6

7 13. The Plan is proposed in good faith and is not by any means
8 forbidden by law. The Petition was filed in good faith. The Debtors have been in this bankruptcy
9 case for less than one month and intends to complete this modified Plan.
10

11 14. Unsecured creditors will receive 47 percent which is more than what they
12 would receive in the event of a Chapter 7 liquidation. The general unsecured creditors would
13 receive \$35,811.43 under the Chapter 7 liquidation analysis. Debtors have listed all assets in
14 Schedule A and B and believes the values remain the same, if not less.

15 15. As required by section 1325(a)(5)(B), the Plan provides that all secured
16 creditors retain their lien on their collateral until the secured claim is paid or until the creditors
17 accepts surrender of their collateral. All secured creditors have either accepted the Plan, will be
18 allowed to collect and dispose of the collateral via surrender thereof, or will be paid the value of
19 their collateral pursuant to terms of the Plan. This Plan does not require any motions to value.
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21 16. The Debtors do not have on-going domestic support obligation.
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Dated: **MAR 1 1 2020**

Peter B Bunting
PETER B. BUNTING
Debtor(s) Attorney